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Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	CASE NO: 2:16-CR-30-006
Plaintiff,)	
)	
vs.)	
)	
MARIA GUADALUPE HERNANDEZ-CORTES,)	
)	
Defendant.)	
_____)	

STIPULATION TO CONTINUE SENTENCING

IT IS HEREBY STIPULATED AND AGREED, by and between SUSAN CUSHMAN, Assistant United States Attorney, counsel for Plaintiff, and BENJAMIN DURHAM, counsel for Defendant, that the sentencing currently scheduled for January 3, 2017, be vacated and continued for approximately 60 days.

This Stipulation is entered into for the following reasons:

1. Defense counsel needs additional time to prepare and complete certain actions related to sentencing mitigation in order to effectively represent Ms. Hernandez-Cortes before this Honorable Court at the time of sentencing. The Defendant concurs in this request.

2. The plea agreement in this case includes a possible 2-point sentencing guideline reduction for a group plea if all defendants plead guilty. One defendant is still pending trial and has not pleaded guilty. A continuance will allow additional time to determine if Ms. Hernandez-Cortes will receive the group plea reduction.

3. All parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first request to continue sentencing filed herein.

DATED this 22nd day of December, 2016.

BENJAMIN DURHAM LAW FIRM

DANIEL G. BOGDEN
United States Attorney

/s/ Benjamin Durham

/s/ Susan Cushman

BENJAMIN DURHAM
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MARIA GUADALUPE HERNANDEZ-CORTES,)	
)	
Defendant.)	
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FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing, the Court finds:

1. Defense counsel needs additional time to prepare and complete certain actions related to sentencing mitigation in order to effectively represent Ms. Hernandez-Cortes before this Honorable Court at the time of sentencing. The Defendant concurs in this request.

2. The plea agreement in this case includes a possible 2-point sentencing guideline reduction for a group plea if all defendants plead guilty. One defendant is still pending trial and has not pleaded guilty. A continuance will allow additional time to determine if Ms.

1 Hernandez-Cortes will receive the group plea reduction.

2 3. All parties agree to the continuance.

3 4. The additional time requested herein is not sought for purposes of delay.

4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 6. This is the first request to continue sentencing filed herein.

7
8 For all of the above-stated reasons, the ends of justice would best be served by a
9 continuance of the sentencing.
10

11
12 **CONCLUSIONS OF LAW**

13 The ends of justice served by granting said continuance outweigh the best interest of
14 the public, since the failure to grant said continuance would be likely to result in a
15 miscarriage of justice, would deny the parties herein sufficient time and the opportunity
16 within which to be able to effectively and thoroughly prepare for sentencing, taking into
17 account the exercise of due diligence.
18

19 **ORDER**

20 IT IS HEREBY ORDERED that the sentencing currently scheduled for January 3,
21 2017 be continued to February 27, 2016 at the hour of 10:00 a.m.
22

23 DATED this 27th day of December, 2016.

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25 
26 _____
27 UNITED STATES DISTRICT JUDGE
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